

42

Notice of Allowability	Application No.	Applicant(s)	
	09/665,526	LEMAY ET AL.	
	Examiner	Art Unit	
	Corbett B. Coburn	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6 apr 04.
2. ☒ The allowed claim(s) is/are 1-17, 19-29, 41-43, 49, & 56-64.
3. ☒ The drawings filed on 09 January 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|--|

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-17, 19-29, 41-43, 49, & 56-64 are allowed.
2. The following is an examiner's statement of reasons for allowance: A thorough search of the prior art fails to disclose any reference or references, which, taken alone or in combination, teach or suggest, in combination with the other limitations, a locator service for allowing a person at the gaming machine to locate, via the gaming machine, a first person at a first gaming machine.

Examiner interprets this to limitation to mean a system whereby a player may query a database or similar construct regarding the location of another player. This is distinct from using the disclosed messaging system to query the player concerning his location. Thus, a player's query of "Computer, where is Joe?" would be within the metes and bounds of this claim, but the player's query of "Joe, where are you?" would not.

There are numerous prior art references that teach a locator service. The Unix "who" command provides, among other things, a location of people logged onto the computer network. This command has been in use since at least the early 1980's. Thus the implementation of Applicant's invention would be extremely simple. Simplicity does not, however, equate to obviousness. Applying the *Graham v. John Deere* standards requires some suggestion to combine references in order to make out a case for obviousness. While Examiner could make general observations concerning the size of casinos and the frustration involved in trying to find a member of a party in a casino, to do so would require an impermissible level of hindsight.

Art Unit: 3714

Thus Examiner cannot justify making the rejection using well-known utilities such as the who command.

There are prior art systems for locating people in buildings and providing this information to a requestor. Shelton et al. (US 201/0011954) and Maeda et al. (US Patent Number 6,226,589) are two examples. But these systems work on a different principle of operation than Applicant's invention. These require the person being located to carry around a radio transmitter or similar device in order to provide location information. Examiner could not take the suggestion that people like to find the location other people from these references and apply it to Applicant's claims without changing the principle of operation of these references.

Rabe (US Patent Number 6,640,184) does teach a system that is very similar to Applicant's. Rabe teaches determining the location of a person by determining which computer terminal they are using and providing the location of that terminal. Rabe is not, however, prior art.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

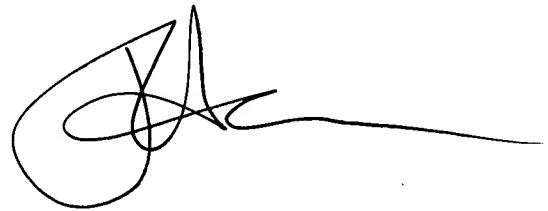
Art Unit: 3714

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Jessica Harrison can be reached on (703) 308-2217. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



cbc



JESSICA HARRISON
PRIMARY EXAMINER

JESSICA HARRISON
PRIMARY EXAMINER